

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
November 12, 2008**

Present: Commissioners Lythgoe, Notbohm and Weber; Joe Carter, Road Supervisor; Carolyn Henry, Safety Coordinator; Fred Bell, Dave Kirsch, Mike Barrett, Lois Reilly, Marjorie Reilly, Lee Madison, Greg Bovee, Bud Siderits, Ed Tinker Jr.

REPORTS

Commissioner Weber noted the receipt of October expense and revenue reports from the Clerk and Recorder.

Commissioner Weber noted the receipt of the October cash report from the Treasurer.

CALENDAR REVIEW

- 11/13 CTAC - Whitehall - 8:00
 - Tri-County Fire - Helena - 9:00
 - Elkhorn Working Group - 2:00
 - Library Board - Whitehall - 6:30
- 11/18 RID/RMD meeting - Montana City - 7:00
 - Solid Waste Board - 7:00
- 11/19 Manual recount of ballots - 8:30

COMMISSION REPORTS

ELECTION

Commissioner Weber reported that the Commission had to cancel the road meeting and the meeting with Mike Waite that morning. They had to recount the votes for two districts and canvas the election. He stated that the public safety mill passed by one vote.

CORRESPONDENCE

Commissioner Weber noted the receipt of a petition to close portion of possible county road. The petition has been certified by the Clerk and Recorder. The petition is to clarify the closure of Clark's Creek/Clark's Gulch road in the Montana City area. The road has previously been abandoned, but a party argues that a portion of the road on Dorothy Hill's property was not abandoned. It seems that the petitioners want to redefine what was previously abandoned. This petition is signed by the same petitioners as the previous. Commissioner Weber moved to accept the petition. Commissioner Lythgoe seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS AND DECIDE ON ACCEPTANCE OF ACCIDENT REPORTING PROCEDURE

Carolyn Henry, Safety Coordinator, stated that the reporting procedure has been updated, and it has been reviewed and approved by the Safety Committee, as well as the County Attorney. Each department will receive a packet of information outlining the procedure and all of the forms needed. She will be meeting with each Department Head to give them a short training on how to fill out the forms and when. She then explained the process that will be followed.

Commissioner Weber asked if this has gone through our insurance or the state to make sure that policy is being properly followed. Carolyn stated that it has; she has been talking with MACo. The only change is the way that the paperwork is filled out and processed. Carolyn stated that the Department Heads have been receptive to the changes.

Commissioner Weber moved to accept the policy and procedure change and update. Commissioner Lythgoe seconded. The motion carried.

PUBLIC HEARING – PETITION TO CLOSE A PORTION OF SPRING STREET IN JEFFERSON CITY

Commissioner Weber called the public hearing to order, and called for a report from the viewers. Commissioner Notbohm stated that he and Joe Carter met on the site the previous Thursday. This is something that has been discussed for some time; the site needs to be secured. He is surprised that the County hasn't gotten in trouble for this yet. He stated that he got a call from Mike Barrett regarding some concerns of the local residents. Commissioner Notbohm stated that he went back up on Friday and met with probably a dozen people at the dump site. They wanted to voice some concerns regarding the closure. He can understand some of them; this is the original road to the mine site. He has since talked to Joe. Because of the traffic, they could gate both ends of it, and allow people to enter only from the upper end on dump days. To be honest, it is his recommendation that it be closed; the site needs to be secured. He has told the residents that they have every right to protest this, however.

Commissioner Weber asked if both Joe and Commissioner Notbohm are in agreement that it should be closed. Joe stated that he has put together a list of reasons why the site needs to be secured. People are constantly dropping off trash when the site is closed. Dogs are getting into the trash and garbage is being scattered up and down the road. There is also the potential for

anyone to drop off hazardous waste without us knowing about it. This would necessitate a call for a hazmat team, which would cost the county a great deal of money. There is no portable toilet for the site attendant; if one is left at an unsecured site, it could be vandalized. People are riding motorcycles and ATVs through there, and there have been near-misses. The Solid Waste district needs to expand the site for future growth, and this would provide more room to back up trailers, and they could make it cleaner and better looking. Also, Spring Street doesn't enter Jefferson Street at a 90-degree angle, and this is a hazard.

Commissioner Weber called for comments.

Mike Barrett stated that the biggest problem that all of them have is the way that this was done. A few people signed the petition and it is being shoved down the throat of the rest of them. No matter what comes of this, people coming down the cemetery hill are going way too fast, and if they approve this, there will be no need for the stop sign and people will be going faster. Commissioner Notbohm stated that there would be no need to remove the stop sign.

Pages of signatures were presented by those in attendance, protesting the closure of the road.

Marjorie Reilly stated that she has talked to one or two people who signed the petition. They don't want the road closed, but they want something done with the Solid Waste site. They felt that this was a way to bring this to the attention of the Commissioners.

Commissioner Lythgoe read the petition, outlining the reasons the closure is being requested. Marjorie stated that John McEachern stated that he signed the petition mainly to bring the need to update the site to the attention of the Commission. She stated that the same thing goes for Stu Newman.

Commissioner Notbohm stated that one problem with the location is that nothing can be done with the site without closing the road. They will just have to leave it open until they close us down.

Fred Bell stated that this isn't true. The only way to expand the site is to increase the amount of property that the County owns. The only possibility is to buy some property west of there, take Spring Street up further and put the site in. This needs to be done if they are going to make this a decent transfer site. They don't even know what the plan is for putting together the new site. He feels that this should be a total package. The citizens of Jefferson City would like to have some input to this. The site can be improved, but he doesn't see how it can be improved. As for closing Spring Street, if this is done they will be taking the traffic that goes by Ting's and be routing it right by the school. If the south side of the fire department is fenced off to control traffic, they will create another problem.

Commissioner Weber asked if there is currently a plan on how the site will be upgraded. Joe stated that this is the groundwork; he can't do all of the work until the first step is done.

Commissioner Lythgoe asked if anyone is willing to sell land. Ed Tinker stated that he has land adjacent to the site that he will not be able to use and is willing to sell. He stated that the bus

issue is also a good one; there might be the possibility of making a thru-way up there.

Commissioner Lythgoe asked about closing the street versus not. Ed stated that closing the road wouldn't bother him; he hadn't thought of the bus issue however. Commissioner Lythgoe asked if the site can be secured without the closure of the road. If there is additional land that is available to expand, does the road need to be closed. Commissioner Notbohm stated yes, others stated that it doesn't.

Joe stated that there are other options available; one option is to build a cul-de-sac for the bus to turn around.

Lee Madison stated that they should decide if they want to buy and build on Ed's property, and then they can go from there.

Marjorie Reilly asked if it would be possible to get a list of options, what the possibilities are of what can be done down the road.

Commissioner Weber stated that there are several issues that are being tossed around. Improvement of, change to or expansion of the site will be up to the Solid Waste Board. The issue before the Commission at this time is the closure of a portion of Spring Street.

Mike stated that if they want to make a secure site, they need to enclose the site with a fence and post a notice that no trailers are allowed.

Bud Siderits, fire chief, stated that he appreciates the discussion he had with Joe. The department did sign a letter agreeing to the closure of Spring Street. He noted that the entire tract of land is administered by the fire department. Why he is making a statement now, in the past year there have been a lot of changes to the department. There are many more members, and they are doing a lot more activity with the trucks in the driveway area at the firehall. If they did close Spring Street, the increase of traffic through the fire department grounds could be dangerous. People are coming through with ATVs, and the firefighters are backing the fire trucks out of the garage. He has also noticed an increase in traffic coming through there. The fire department is conducting more training in there, and there are other concerns, such as people parking in front of and blocking the fire department garage doors. The Commission needs to look at this as a whole unit; how will it affect the fire department, foot and ATV traffic.

Fred Bell said that discussion needs to be had regarding the upgrade to the transfer site. The closure of Spring Street will cause further problems. The Solid Waste Board needs to look at expanding the site, and he asked where the money will be coming from. He knows that there isn't anything in the Solid Waste District budget for this. The residents of Jefferson City should be approached for comments and input.

Commissioner Weber stated that the Commission is in a tough position here, because all they are to decide on at this meeting is the closure of Spring Street. Fred suggested that the decision to close Spring Street be postponed until a public meeting has been held regarding the transfer site upgrade. Commissioner Weber stated that the upgrade meetings would be the responsibility of

the Solid Waste Board.

Commissioner Notbohm stated that when he came into office, the upgrade of the Jefferson City and Clancy sites were being discussed, but nothing has happened. He tends to agree with Joe, they need to start with the closure of the street.

Marjorie stated that she thinks that it is premature to close the street when there is no idea of the cost or feasibility of the upgrade to the site. Commissioner Weber stated that the issue on closing a street or not generally comes down to health and safety; if the public benefit of that street outweighs the health and safety risk of it being open as it is now.

Lois Reilly stated that if they are talking about health, they are the only one's with a dump in the middle of town.

Marge reiterated that it is premature to close when we don't know what the rest of the plan is.

Greg Bovee asked if it is a state law that they have to be a secured area. Commissioner Weber stated that it is a liability issue. It is a state law but it isn't very well enforced.

Fred stated that there are two sites that are under the control of the DEQ, in Whitehall and Boulder, and these are Class 3 landfills. The other sites are under the control of the Solid Waste Board with the approval of the DEQ. These sites are inspected once a year.

Joe stated that depending on what the Commission decides to do, the road will not be closed until they decide what to do and get the money to do the upgrades. Commissioner Weber stated that this isn't true. If they close the road, it is closed; it has nothing to do with the transfer site.

Hearing no further comments, Commissioner Weber closed the public hearing.

DISCUSS AND DECIDE ON CLOSING A PORTION OF SPRING STREET IN JEFFERSON CITY

Commissioner Lythgoe moved not to close Spring Street at this time. Commissioner Weber seconded. Commissioner Notbohm stated that he understands where these people are coming from. His recommendation is that they close Spring Street on and at such a time as they have a plan to move forward from the Solid Waste Board. Commissioner Weber read the reasoning for the closure from the petition. He then called for a vote. The motion carried, with Commissioner Weber and Commissioner Lythgoe voting aye and Commissioner Notbohm voting nay.

OPPORTUNITY FOR PUBLIC COMMENT

Bud Siderits stated that he wants to bring his concerns regarding the donation of mine buildings to the JLDC upon the closure of the mine. His concern is that the residents of Jefferson County will be paying for the maintenance of these buildings and the road leading to them through higher taxes. A study stated that there will need to be a monumental effort to promote and sell

the post mining end land use or multi land use. Montana Tunnels received a substantial deduction in their bonds required for reclamation as a result of the planned donation of these buildings, and he asked who will maintain the buildings, pay the bills, check on the buildings, maintain and check on water system, do maintenance on buildings, as well as the road leading up to them. Currently, the mine has a special truck to keep the road open. This is a mine site that the company has decided to leave, and he asked what company would want to come to this site with its high elevation and extreme weather. The buildings were built for mining purposes and are rapidly deteriorating, which will place a burden on taxpayers. Bud asked that the Commissioners not accept this donation. The mine will be leaving, based on financial considerations. Commissioner Weber thanked Bud for his comments; he stated that he did pass on Bud's concerns to the DEQ and BLM. He also noted that the JLDC is not a county entity; they are a corporation by and of themselves. If they accept something, it doesn't necessarily mean that the county accepts it.

Dave Kirsch stated that there are some things stated that aren't true. There is no signed agreement for the JLDC to accept the buildings. The industrial park would be located further down, but again, there is no signed agreement. Also, the mines put up a substantial amount of money to remove the buildings. Commissioner Weber stated that this is still a moving target because no decision has been made yet, but if the decision is made to take the buildings down, the mining company would pay for it. Dave agreed that Bud has a concern, but he isn't sure that it is accurate.

Commissioner Lythgoe stated that the conversation has always been that this is a viable option for the JLDC. Butte has identified this as an "industrial park", but the JLDC hasn't. Bud stated that the word is that Tunnels plans to donate these buildings.

Commissioner Notbohm stated that he appreciates Bud's concerns. This has been on the back burner for some time. It would cost a huge amount of money to take those buildings down. The JLDC contracts with Jefferson County, so if they accept those buildings and later folded, they would fall to the County. Commissioner Weber stated that this is true only if the county agrees to it; it would be the same as with any corporation that folds. Commissioner Lythgoe stated that he would never be in favor of the County taking that responsibility.

Claims

A list of claims was presented for approval. All claims were approved as submitted; there was no discussion.

Commissioner Lythgoe moved to adjourn. Commissioner Weber seconded. The motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER